

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**MCKINLEY WILLIAMS
ADC # 146148**

PLAINTIFF

v.

No. 5:13-cv-47-DPM-JTR

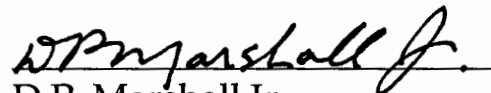
**CLARENCE CAPPS, Correctional Officer,
Varner Unit, ADC; JAMES GIBSON,
Deputy Warden, Varner Unit, ADC; and
JARED BYERS, Major, Varner Unit, ADC**

DEFENDANTS

ORDER

Williams has not opposed Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Disposition, *No. 28*. Reviewing for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (Advisory Committee Notes to 1983 Addition), and for legal error, the Court adopts the proposal. Byers, Capps, and Gibson's motion for summary judgment, *No. 19*, is granted. Williams's complaint, as to these defendants, is dismissed without prejudice for failure to exhaust his administrative remedies.

So Ordered.


D.P. Marshall Jr.
United States District Judge

8 October 2013